

### REMARKS

Claims 1, 4-7, and 17 are pending in the subject application. Claims 2, 3, and 8-16 have been cancelled as being drawn to unelected subject matter without prejudice to Applicants' pursuit in any patent application. By this amendment, Applicants have amended claims 1 and 17. Support for the amendments can be found, *inter alia*, within the specification on pages 38-44. Thus, the changes do not constitute new matter.

### Rejection under 35 U.S.C. §112, second paragraph – Claims 1 and 17

The Examiner has rejected claims 1 and 17 under 35 U.S.C. 112, second paragraph, and helpfully suggests language that would be acceptable. In response, Applicants have amended claims 1 and 17 to recite that language. Accordingly, Applicants respectfully submit that the rejection is overcome.

### Conclusion

Applicants respectfully request that the claims are in condition for Allowance and request a timely Notice of Allowance be issued in this case. Commissioner is authorized to charge any deficiencies and credit any overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. **502783**.

Attorney for Applicants can be reached at the telephone number and address below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

OSI PHARMACEUTICALS, Inc.  
By Shu M. Lee Date 19 Feb 2004

February 19, 2004  
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Respectfully submitted,



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